

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOSE ROSARIO AHEDO-MARTINEZ

CRIMINAL COMPLAINT

Case Number:

12-MJ-26-TNL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 11, 2011, in Stearns County, in the State and District of Minnesota, the defendant, an alien who had previously been removed from the United States on or about August 26, 2009, subsequent to a conviction for an aggravated felony, namely: 4th Degree Assault - Peace Officer, in the State of Minnesota, on or about August 10, 2009, knowingly and unlawfully entered and was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

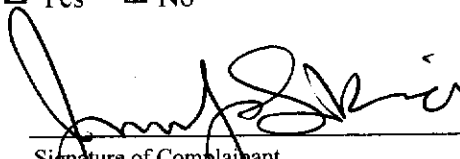
Sworn to before me, and subscribed in my presence,

January 24, 2012

Date


The Honorable Tony N. Leung
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer


Signature of Complainant
Jennifer Skwira
U.S. ICE

St. Paul, MN

City and State


Signature of Judicial Officer

SCANNED

JAN 25 2012

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF Jennifer Skwira

Jennifer Skwira, being duly sworn, deposes and states as follows:

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since September 2, 2007. I have been in various positions within legacy Immigration and Naturalization Service (INS) and the United States Citizenship and Immigration Services (USCIS) for the last 13 years.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, in August of 2011, in Kandiyohi County, in the State and District of Minnesota, Jose Rosario AHEDO-Martinez unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that Defendant's removal was subsequent to a conviction for commission of an

aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. In November of 2011, Defendant was encountered by Immigration Customs and Enforcement (ICE) while performing IHP (Institutional Hearing Program) duties at the Minnesota Correctional Facility (MCF) in St. Cloud, Stearns County, Minnesota. Defendant was incarcerated at MCF-St. Cloud after having been convicted in Kandiyohi County District Court for a Driving While Impaired (DWI) offense on October 27, 2011. Defendant has been arrested by law enforcement officers in Kandiyohi County in August, 2011 in connection with these DWI charges. ICE determined that defendant was an illegal alien present in the United States without proper immigration documents which would allow defendant to be in, pass through or remain in the United States legally and an ICE detainer was placed on defendant.
6. On January 17, 2012, defendant was released to ICE custody and transported to the ICE office in Bloomington, Minnesota for processing. At the ICE facility, defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked defendant's fingerprints to alien registration number A89 708 032, Federal Bureau of Investigations number 84908DD3 and DHS Fingerprint Identification number (FIN) 1093638051, revealing defendant's previous removal and criminal history.
7. Based on IAFIS and IDENT identification of defendant's prior history, I reviewed

defendant's unique alien registration A89 708 032 file. The defendant's alien registration file contains photographs, fingerprints and immigration documents identifying defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico prior to being found in the District of Minnesota in 2011. On August 26, 2009, defendant was removed from the U.S. to Mexico via the Laredo, TX port of entry.

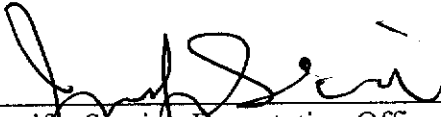
8. On August 10, 2009, defendant was convicted in Kandiyohi County District Court, MN of Assault 4th Degree-Peace Officer, and sentenced to 1 year and 1 day in jail and 3 years probation. On October 27, 2011, defendant was convicted in Kandiyohi County District Court, MN of Driving While Impaired (DWI) and sentenced to 211 days in jail. The above listed convictions of the defendant have been classified by the FBI Criminal Justice Information System as FBI# 849088DD3. Upon the arrest of the defendant by ICE, he was searched and enrolled into the Integrated Automated Fingerprint Identification System (IAFIS). Results of the IAFIS search and enrollment revealed the identical FBI# 849088DD3 related to the defendant's criminal history and the defendant's administrative immigration file A89 708 032 thereby establishing a match of identity utilizing fingerprint records.
9. The defendant is subject to removal as an alien that re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in INA Section 241(a)(5) codified under 8 USC1231(a)(5). The defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.

10. Defendant is a citizen and national of Mexico with no claim to United States Citizenship or Lawful Permanent Resident status, nor does he have documents to enter, pass through, or remain in the United States.

11. My investigation confirms that since his removal from the United States on August 26, 2009, defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

12. Based on these facts, defendant is in violation of 8 U.S.C. Section 1326(a) & (b)(2), Re-entry after removal, in that defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security following the conviction of an aggravated felony.

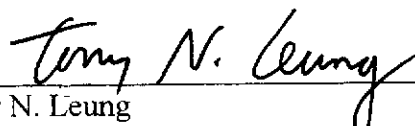
Further Your Affiant Sayeth Not.



Jennifer Skwira, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 24 day of January, 2012.



Tony N. Leung
United States Magistrate Judge